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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,367	04/04/2000	Paul Andrew Moskowitz	Y0R9-2000-0171(1963-4916)	5790

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NEW CANAAN, CT 06840

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/542,367

Applicant(s)

MOSKOWITZ ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-32 and 34-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-32 and 34-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

This is in response to an amendment file on January 12<sup>th</sup>, 2004. In the amendment, claims 1, 18, 19-24, 31, 46-50 and 65-67 have been amended, claims 3 and 33 have been canceled, and no claim has been added. Claims 1, 2, 4-32 and 34-67 remain pending in the letter.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 4-32 and 34-67 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Council et al (U.S. PG Pub 2001/0023432) in view of Knepper et al (U.S. PG Pub No. 2001/0042249).

4. As per claims 1, Council et al teaches an e-mail address system comprising means for monitoring information sent and asynchronously received to a fee address associated with an email recipient wherein the information is unsolicited by the email recipient, means for collecting the fee into a first account, and means for transferring the collected fees to a second

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account, and means for transferring the collected fees to a second account, means for forwarding the information from a public address to a private address (*see paragraphs 0003-0005, 0011, 0019, 0023, 0024, 0030, 0032-0033*). Council et al fail to teach an inventive concept with means for determining a fee for the information, wherein the fee is based upon a preferences record defined by a mail recipient. However, Knepper teaches an inventive concept with means for determining a fee for the information, wherein the fee is based upon a preferences record defined by a mail recipient (*see paragraph 0041*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of council et al to include Knepper's an inventive concept with means for determining a fee for the information, wherein the fee is based upon a preferences record defined by a mail recipient because this would have ensure the proper amount be charge and paid for the email received by the intended recipient thereby enhance the efficiency of the system

5. As per claim 2, Council et al teaches an address system wherein the second account belongs to a third party (*see paragraphs 0003-0005, 0011, 0019, 0023, 0024, 0030, 0032-0033*)

6. As per claims 4-10, 15-18, Council et al teaches an address system wherein the fees are escalating based upon number of usages, and conditional, a combination of fixed, variable and conditional for different senders, is waived for a sender, is based upon the urgency of the information, are selected from the group consisting of fixed, variable or conditional, and based on the size of the information based on word count, number of bits, and also fee varies for different sender and wherein the mail recipient elects to impose a fee (*see paragraphs 0003-0005, 0011, 0019, 0023, 0024, 0030, 0032-0033*).

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7. As per claims 11-14, Council et al teaches an address system wherein third party is a charity organization, a company, an individual, a firm ((*see paragraphs 0003-0005, 0011, 0019, 0023, 0024, 0030, 0032-0033*)).

8. As per claims 19- 32, and 34-67, they disclose the same inventive concept as claims 1-14. Therefore, they are rejected under the same rationale.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

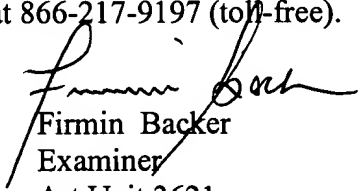
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Examiner  
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March 10, 2004